

CHAPTER 68

REAL ESTATE LICENSEES AND CLIENTS' REAL ESTATE — DUTIES AND LIABILITY

H.F. 607

AN ACT relating to real estate licensee liability.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 543B.62](#), Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 4. *a.* A licensee providing brokerage services to a client shall not be in possession of the client's real estate. A licensee may enter upon the premises of a client's real estate to fulfill the licensee's obligations pursuant to [section 543B.3](#), [section 543B.6](#), or pursuant to a written agreement between the licensee and the client.

b. A licensee has no duty of care with regard to a client's real estate or with regard to a person entering, viewing, or traversing upon the premises of a client's real estate other than to fulfill the licensee's obligations pursuant to [section 543B.3](#), [section 543B.6](#), or pursuant to a written agreement between the licensee and the client.

c. A licensee providing brokerage services to a client shall not be liable for damage to the client's real estate or for any physical injury, accident, or harm to a person entering, viewing, or traversing upon the premises of a client's real estate unless the licensee is the direct and proximate cause of the damage, injury, accident, or harm.

d. A client shall be responsible for the care, maintenance, repair, condition, and safety of the client's real estate that is being offered to sell, exchange, buy, or rent to a person.

Approved May 3, 2023